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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/753,251

01/08/2004

David H. Hanes

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EXAMINER

ADEGEYE, OLUWASEUN

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

07/17/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/753,251	HANES, DAVID H.	
	Examiner	Art Unit	
	Oluwaseun A. Adegeye	2609	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 January 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 -24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/08/2005</u>  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The references listed on the information disclosure statement filed on 01/08/2004 and 08/08/2005 have been considered by the examiner (see attached PTO – 1449).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 4 – 5, 7 – 11, 14 – 16, 18 - 19 and 21 – 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Wee et al (US 6,973,130 B1).

As to claim 1, Wee discloses a method of analyzing a moving pictures expert group (MPEG)-formatted video/audio file, comprising (see column 13, lines 14 – 30):

defining a rule comprising at least one parameter that logically defines a format requirement (column 22, lines 18 – 37 discloses a rule for recognizing Mpeg format)

reading a portion of the file (sequence header) (see column 17, lines 7 – 21, column 22, lines 18 - 24 and column 23, lines 2 – 12);

comparing the portion of the file with the rule (see column 21, line 62 – column 22, line 2 and column 22, lines 18 – 37) ; and

determining whether the file violates the rule (see column 22, lines 18 – 37).

As to claim 10, this is an apparatus claim corresponding to the method claim 1. Therefore, claim is analyzed and rejected as previously discussed with respect to claim 1.

As to claim 18, this claim is similar to claim 1 only in that it has the limitation “computer readable medium executed by a processor”.

Wee discloses an encoding software and a computer (133) (see column 11, lines 2 – 6, column 12, lines 1 - 13 and column 17, lines 7 – 21).

As to claim 4, Wee discloses the method according to claim 1, wherein defining a rule comprises defining a rule having at least one parameter logically defining a standardized format requirement (column 22, lines 18 – 37 discloses a rule for recognizing Mpeg format).

As to claim 5, Wee discloses the method according to claim 1, wherein defining a rule comprises defining a rule having at least one parameter logically defining a MPEG format requirement (column 22, lines 18 – 37 discloses a rule for recognizing Mpeg format).

As to claim 7, Wee discloses the method according to claim 1, wherein reading a portion of the file comprises locating a sequence header of the file (see column 17, lines 7 – 21, column 22, lines 18 - 24 and column 23, lines 2 – 12);

As to claim 8, Wee discloses the method according to claim 1, wherein comparing the portion of the file comprises determining whether the file comprises a

Art Unit: 2609

group of pictures (GOP) header (see column 17, lines 7 – 21 and column 23, lines 2 – 12);

As to claim 9, Wee discloses the method according to claim 1, further comprising transcoding the file upon determining the file violates the rule (see column 7, lines 12 – 24, column 12, lines 33 – 38 and column 22, lines 46 - 62).

As to claims 11 this is an apparatus claim corresponding to the method claim 5. Therefore, claims 11 is analyzed and rejected as previously discussed with respect to claim 5.

As to claim 14, this is an apparatus claim corresponding to the method claim 8. Therefore, claim 14 is analyzed and rejected as previously discussed with respect to claim 8.

As to claim 15, this is an apparatus claim corresponding to the method claim 9. Therefore, claim 15 is analyzed and rejected as previously discussed with respect to claim 9.

As to claim 16, this is an apparatus claim corresponding to the method claim 7. Therefore, claim 16 is analyzed and rejected as previously discussed with respect to claim 7.

As to claim 19, this is a computer readable medium claim corresponding to the method claim 5. Therefore, claim 19 is analyzed and rejected as previously discussed with respect to claim 5.

As to claim 21, this is a computer readable medium claim corresponding to the method claim 8. Therefore, claim 21 is analyzed and rejected as previously discussed with respect to claim 8.

As to claim 22, this is a computer readable medium claim corresponding to the method claim 7. Therefore, claim 22 is analyzed and rejected as previously discussed with respect to claim 7.

As to claim 23, this is a computer readable medium claim corresponding to the method claim 9. Therefore, claim 23 is analyzed and rejected as previously discussed with respect to claim 9.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wee in view of Shirakawa et al (US 2002/0044760 A1).

As to claim 2, Wee discloses the method according to claim 1, but does not disclose wherein defining a rule further comprises defining a rule that comprises a parameter for addressing the portion of the file.

Shirakawa discloses wherein defining a rule further comprises defining a rule that comprises a parameter for addressing the portion of the file (see [10] [269] and [323]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have added addressing the portion of the file taught by Shirakawa to the method of Wee to facilitate editing such as overwriting and to raise the speed of fast playback (see [48] and [51]).

As to claim 3, Wee discloses the method according to claim 2, wherein defining a rule that comprises a parameter for addressing the portion further comprises defining a rule that comprises a parameter specifying a bit rate of the file (see column 22, lines 24 – 27).

As to claim 13, this is an apparatus claim corresponding to the method claim 3. Therefore, claim 13 is analyzed and rejected as previously discussed with respect to claim 3.

6. Claims 6, 12 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wee in view of Ueda et al (US 2001/0026511 A1).

As to claim 6, Wee discloses the method according to claim 1 but does not disclose wherein defining a rule comprises defining a rule having at least one parameter logically defining a digital versatile disc (DVD) format requirement.

Ueda discloses wherein defining a rule comprises defining a rule having at least one parameter logically defining a digital versatile disc (DVD) format requirement (see [208]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have added defining a DVD format taught by Ueda to the apparatus of Wee to provide a method capable of preventing occurrence of an error end of a Read Modify Write process in a computer environment (see [53]).

As to claims 12 this is an apparatus claim corresponding to the method claim 6. Therefore, claims 12 is analyzed and rejected as previously discussed with respect to claim 6.

As to claim 20, this is a computer readable medium claim corresponding to the method claim 6. Therefore, claim 20 is analyzed and rejected as previously discussed with respect to claim 6.

Wee discloses an encoding software and a computer (133) (see column 11, lines 2 – 6, column 12, lines 1 - 13 and column 17, lines 7 – 21).

7. Claims 17 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wee in view of Nakamura et al (US 2002/0169742 A1).

As to claim 17, Wee discloses the system according to claim 10 but does not discloses wherein the application is adapted to determine whether the file comprises a group of pictures disposed between a sequence start code and a sequence end code of the file.

Nakamura discloses wherein the application is adapted to determine whether the file comprises a group of pictures disposed between a sequence start code and a sequence end code of the file (see [103]).



It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the GOP between the sequence start code and the sequence end code as taught by Nakamura to the apparatus of Wee to protect a software by a proper creator (see [008]).

As to claim 24, this is a computer readable medium claim corresponding to the system claim 17. Therefore, claim 21 is analyzed and rejected as previously discussed with respect to claim 17.

Wee discloses an encoding software and a computer (133) (see column 11, lines 2 – 6, column 12, lines 1 - 13 and column 17, lines 7 – 21).

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 2002/0044760 A1 discloses groups of pictures and sequence header.

### ***Inquiries***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oluwaseun A. Adegeye whose telephone number is 571-270-1711. The examiner can normally be reached on Monday - Friday 7:30 - 5:00 EST.

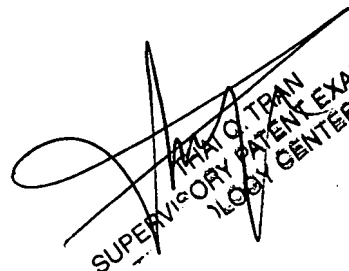
Art Unit: 2609

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

06/28/2007

O.A

  
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